

1-1 By: Creighton S.B. No. 1257
 1-2 (In the Senate - Filed February 27, 2023; March 9, 2023,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 26, 2023, reported favorably by the following vote: Yeas 6,
 1-5 Nays 0; April 26, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the unlawful disclosure of an autopsy image or other
 1-18 visual depiction; creating a criminal offense.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 42, Penal Code, is amended by adding
 1-21 Section 42.076 to read as follows:

1-22 Sec. 42.076. UNLAWFUL DISCLOSURE OF AUTOPSY IMAGE OR OTHER
 1-23 VISUAL DEPICTION. (a) A person commits an offense if:

1-24 (1) the person discloses an image or other visual
 1-25 depiction of an autopsy without the prior consent of the person who
 1-26 is the subject of the autopsy or without the consent of that
 1-27 person's legal representative; and

1-28 (2) the disclosure of the image or other visual
 1-29 depiction reveals in any manner the identity of the person who is
 1-30 the subject of the autopsy, including through:

1-31 (A) any accompanying or subsequent information
 1-32 or material related to the visual depiction; or

1-33 (B) information or material provided by a third
 1-34 party in response to the disclosure of the visual depiction.

1-35 (b) It is an affirmative defense to prosecution under this
 1-36 section that:

1-37 (1) the disclosure is made in the course of:

1-38 (A) reporting unlawful activity;

1-39 (B) a legal proceeding, if the disclosure is
 1-40 permitted or required by law; or

1-41 (C) a legitimate medical, educational, research,
 1-42 scientific, investigational, forensic, or academic proceeding; or

1-43 (2) the actor is an interactive computer service, as
 1-44 defined by 47 U.S.C. Section 230, and the disclosure consists of an
 1-45 image or visual depiction provided by another person to the
 1-46 computer service.

1-47 (c) An offense under this section is a Class B misdemeanor.

1-48 (d) If conduct constituting an offense under this section
 1-49 also constitutes an offense under Section 552.352, Government Code,
 1-50 the actor may be prosecuted under either section.

1-51 SECTION 2. This Act takes effect September 1, 2023.

1-52 * * * * *